

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CR-98-112-M
)	
RAMON AGUILAR,)	
)	
Defendant.)	

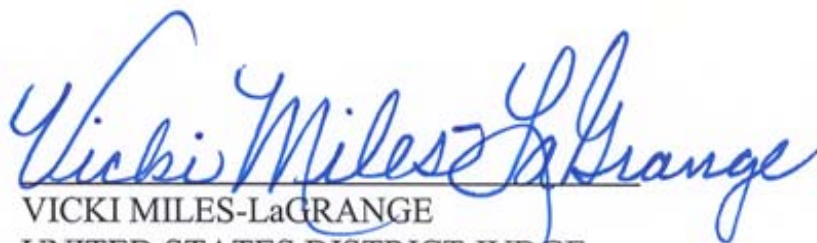
ORDER

Before the Court is defendant's Motion for Sentence Review Pursuant [to] 18 U.S.C.A. § 3742(f)(1). Upon review of defendant's motion, it appears that defendant is moving this Court to review his sentence based upon the United States Supreme Court's recent decision in *United States v. Booker*, 125 S. Ct. 738 (2005). *Booker*, however, "does not apply retroactively to criminal cases that became final before its effective date of January 12, 2005." *United States v. Bellamy*, 411 F.3d 1182, 1184 (10th Cir. 2005).

In the case at bar, this Court entered judgment on December 4, 1998. Defendant filed an appeal with the Tenth Circuit, and in an unpublished Order and Judgment, the Tenth Circuit affirmed defendant's conviction and sentence and remanded the case for this Court to complete the ministerial task of reducing its oral findings on defendant's objections to writing and attaching them to the Presentence Report. *See United States v. Aguilar*, 221 F.3d 1353, 2000 WL 968662 (10th Cir. 2000). Defendant timely filed a Petition for Writ of Certiorari. On November 27, 2000, the United States Supreme Court denied defendant's petition. *See Aguilar v. United States*, 531 U.S. 1028 (2000). Thus, defendant's conviction and sentence became final on November 27, 2000, a little over four years before the Supreme Court decided *Booker*.

Accordingly, the Court DENIES defendant's Motion for Sentence Review Pursuant [to] 18 U.S.C.A. § 3742(f)(1) [docket no. 239].

IT IS SO ORDERED this 6th day of March, 2006.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE